HONOURABLE SRI JUSTICE J. CHELAMESWAR

AND

HONOURABLE SRI JUSTICE P. SWAROOP REDDY

WRIT PETITION No.5650 OF 2007

DATE:22-03-2007

Between:

K. Ramulu & 13 others

.. Petitioners

And

The Joint Director
Animal Husbandry Department,
Karimnagar, Karimnagar District
& 2 others

.. Respondents

ORDER:

This Writ Petition is filed with the prayer as follows:

> "For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, to declare the G.O.Ms.No.26 Dt.28-6-2004 as discriminatory, illegal and arbitrary and the one opposed to Principles of Equity to the extent of discriminating the in service (*Sic*. in-service) candidates with that of the in service (*Sic*.
> in-service) candidates appointed prior to 31/12/1992 as illegal, arbitrary and further being contrary to provisions under Article 14 and 16 of Constitution of India and also being contrary to

> the principles of equity and consequently set aside the same as such and direct the respondents to consider and select the petitioners for the purpose of undergoing Veterinary Assistant Training along with others for the year 2007-2008 and to grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case."

2. Petitioners, 14 in number, filed this writ petition aggrieved by the decision of the A.P. Administrative Tribunal in not passing any interim orders in O.A. No.1109 of 2007. All the petitioners herein are working as attenders with the respondents herein under A.P. Animal Husbandry Subordinate Service Rules in which the post of Veterinary Assistant is included as Category – IV under Class – A.

One of the modes of appointment to the said post is by transfer, wherein 50% of the vacancies are filled up by the persons who are working as Record Assistants, Attenders etc. It may not be necessary to go into further details of the matter except to state about G.O. Ms. No.26 dated 28-06-2004.

It appears, State has made certain amendments to the qualifications to be possessed by those who are aspiring for above mentioned posts. Therefore, challenging the said G.O. on the ground of discrimination, above O.A. came to be filed. Along with the O.A., petitioners sought for interim order to direct the respondents to select and send them for training. The Tribunal ordered notice on the miscellaneous application. Hence, the present writ petition.

3. Obviously, petitioners could not be sent for training without deciding the legality of the above mentioned G.O. and even

without a preliminary hearing of the other side. Therefore, we do not see any reason to interfere with the order under challenge.

The Writ Petition is accordingly dismissed at the admission stage. No costs.

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J. CHELAMESWAR, J

March 22, 2007

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P. SWAROOP REDDY, J

PV